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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,225	07/11/2003	Tsugutaro Ozawa	500.36859CX1	2350

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/617,225	OZAWA ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/11/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 22and 24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 7068914. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 22 and 24 of the present application and claim 14 of U.S. Patent No. 7068914 is that claim 14 of U.S. Patent No. 7068914 additionally includes the recitation matrix MxN of the screen areas and designation keys that is not found claims 22 and 24 of the present application . Since claim 14 of U.S. Patent No. 7068914 encompasses claim 22 and 23 of the present application, it would have been obvious to one of ordinary skill in the art to

modify and edit claim 14 of U.S. Patent No. 7068914 to produce claims 22 and 23 of the present application claim.

3. Claims 22 and 24 are and rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6961509. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 22 and 24 of the present application and claim 14 of U.S. Patent No. 6961509 is that claim 14 of U.S. Patent No. 6961509 additionally includes the recitation matrix 3x3 of the screen areas and designation keys that is not found claims 22 and 24 of the present application . Since claim 14 of U.S. Patent No. 6961509 encompasses claim 22 and 24 of the present application, it would have been obvious to one of ordinary skill in the art to modify and edit claim 14 of U.S. Patent No. 6961509 to produce claims 22 and 24 of the present application claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al (6,137,469).

Regarding claims 22 and 24, Wu teaches a method (Figs. 1-3, columns 3-4) for generating magnified picture data based on an original picture data recorded on a medium comprising :

Reproducing the original picture data from the medium (Figs. 1-3, column 2, lines 45-60)equipped with facility for reading out first video data from a recording medium and processing and displaying the first video data to thereby deriving therefrom second video data for generating a zoomed-in picture by magnifying a partial area of a picture based on said first video data (Figs. 1-2);

holding correspondence relations between said pluralities of zoom-in area designating keys and areas of the picture based on said first video data, respectively as the original data; and a video data processor generating second video data for a zoom-in area corresponding to a given one of said zoom-in area designating keys in response to operation of said given one zoom-in area designating key (Figs 1,4, column 3, lines 21-68).

Wu further teaches using a plurality of zoom-in area designating keys (Fig. 5, column 3, lines 55-65)disposed at least on either one of a main body of said video apparatus or a remote control unit thereof; each zoom key is associated with an partial area of the screen (column 3 lines 60-68) and inherently the partial area zoom keys are arrayed orderly and the keys are associated with a plurality of the partial areas of the

picture screen since the zoom partial keys incorporated in a remote controller and operated by the user (Fig. 5).

WU further teaches that the zoom -in designating keys are arrayed orderly in an uninterrupted array since Wu teaches that each zoom-in key is associated with a screen area (column 3, lines 55-68).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Beery (6,215,531).

Wu fails to teach that the partial area zoom keys having another purpose. However, it is noted that programming a key for dual functions is well known in the art as taught by Beery (column 25-33, Fig. 3). Therefore, it would have bee obvious to one of ordinary skill in the art by using the teaching of Beery for programming the partial are zoom keys with additional function when the zoom key is not operated in order to reduce a number of keys on a remote controller thus reducing the size of the remote controller.

Wu fails to specify teaches that the zoom keys are arranged as a 3X3 array and labeled with 1-9. However, it is noted arranging keys as three-row by three-column column 3X3 array and label keys from 1-9 is well known in the art as taught by Berry (Fig. 3) . Therefore, it would have been obvious to one of ordinary skill in the art to modify Wu with Berry by using the teaching of Beery for arranging the zoom keys as three-row by three-column array and labeling the zoom keys as 1-9 in order to provide more convenience to the user in operating the apparatus in zooming images.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HUY NGUYEN
PRIMARY EXAMINER